

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Dr. Lisa Jeannine Schneider a/k/a Lisa
Jeannine Nicotra,

Plaintiff,

v.

Consulting Radiologists Ltd., a Minnesota
corporation; Dr. Norman Arslanlar; Dr.
Christopher Tillotson; Allina Health System, a
Minnesota non-profit corporation; Dr. Dawn
Johnson; and Dr. Casandra Anderson,

Defendants.

Case No.: _____

NOTICE OF REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA, United States Courthouse, 300 South Fourth Street,
202 U.S. Courthouse, Minneapolis, Minnesota 55415; and

PLAINTIFF ABOVE-NAMED, by and through its counsel of record, Sarah E.
Crippen, Best & Flanagan LLP, 60 South Sixth Street, Suite 2700, Minneapolis,
Minnesota 55402.

PLEASE TAKE NOTICE that defendants Consulting Radiologists Ltd. (“CRL”),
Dr. Norman Arslanlar, and Dr. Christopher Tillotson (hereinafter the “CRL Defendants”)
submit this Notice of Removal to the United States District Court for the District of
Minnesota, to remove the state court action described below pursuant to 28 U.S.C. §§
1331, 1441 and 1446. In support of this removal, the CRL Defendants respectfully state
as follows:

COMPLAINT

1. On April 9, 2019, an action was commenced in the Fourth Judicial District Court, Hennepin County, Minnesota, entitled *Dr. Lisa Jeannine Schneider a/k/a Lisa Jeannine Nicotra v. Consulting Radiologists Ltd., a Minnesota corporation; Dr. Norman Arslanlar; Dr. Christopher Tillotson; Allina Health System, a Minnesota non-profit corporation; Dr. Dawn Johnson; and Dr. Casandra Anderson*, by service of the corresponding Summons and Complaint upon the CRL Defendants on such date. A true and correct copy of the Summons and Complaint are attached hereto as Exhibit A.

2. To date, co-defendants Allina Health System, Dr. Dawn Johnson, and Dr. Casandra Anderson have not been properly joined and served in this matter. *See* attached Affidavit of Charles Knapp, Esq.

3. Dr. Lisa Schneider (“Plaintiff”) is a Minnesota resident and former employee of CRL who alleges, *inter alia*, that CRL retaliated against her for taking leave pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”). Plaintiff seeks monetary damages and declaratory relief.

FEDERAL COURT JURISDICTION

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. Plaintiff’s Complaint alleges a cause of action arising pursuant to Title 29 of the United States Code.

VENUE

5. The United States District Court for the District of Minnesota embraces the county where the State Action was filed, and thus, venue is proper pursuant to 28 U.S.C. § 103(3).

TIMELINESS

6. This Notice of Removal is timely under 28 U.S.C. 1446 because it is filed within 30 days of the State Action being served on Defendant on April 9, 2019.

28 U.S.C. § 1446 COMPLIANCE AND RESERVATION OF RIGHTS

7. Pursuant to 28 U.S.C. § 1446(a), the CRL Defendants are required to attach to this Notice a copy of all process, pleadings, and orders served upon them. As previously noted, the Summons and Complaint are attached to this Notice as Exhibit A. The attached Exhibit constitutes the only documents now known by Defendant to have been filed or served in the state action.

8. This Notice of Removal is signed by counsel for the CRL Defendants pursuant to 28 U.S.C. § 1446(a) and Rule 11 of the Federal Rules of Civil Procedure.

9. As required by 28 U.S.C. § 1446(d), the CRL Defendants will file written notice of this removal with the Court Administrator of the District Court for the Fourth Judicial District for the State of Minnesota, Hennepin County. A true and correct copy of the Notice of Filing of Notice of Removal to be filed with the state court is attached hereto as Exhibit B. In addition, copies of the notice to the state court, together with this Notice of Removal, will also be served upon Plaintiff, by and through her counsel, as required by the Rules of this Court.

10. By filing this Notice of Removal, the CRL Defendants do not waive any defenses, or concede that Plaintiff has stated any claims upon which relief may be granted. In addition, if any questions arise as to the propriety of the removal of this action, the CRL Defendants request the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

WHEREFORE, Defendants Consulting Radiologists Ltd., Dr. Norman Arslanlar, and Dr. Christopher Tillotson remove this action from the Fourth Judicial District for the State of Minnesota, County of Hennepin, and respectfully request any further relief, general or specific, at law or in equity, to which they may be justly entitled.

Dated: April 29, 2019

FOLEY & MANSFIELD, PLLP

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